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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 12/20/02

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MICHAEL J. ANACKER, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: CONSENT ORDER
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This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by David and Peggysue Bauer, on or about August 19, 2001, concerning services rendered by Michael J. Anacker, D.V.M., to their five (5) year old Labrador Retriever, named "Flannel," on May 30 and May 31, 2001. On May 30, 2001, the Bauers took Flannel to Hodes Veterinary Group where Flannel was seen by Dr. Anacker.

The Bauers maintain that they advised Dr. Anacker of Flannel's symptoms of lethargy, sudden weight loss and a failure to eat for three (3) days. Following his initial examination of Flannel, Dr. Anacker took a sample of the dog's blood in order to run several tests. Upon the review of Flannel's blood work on May 31, 2001, the Bauers were advised that Flannel was diabetic and that he had tested positive for Lyme's Disease. Flannel was admitted to the boarding facility of Dr. Anacker's office on the evening of Thursday, May 31, 2001, so that treatment could begin the following morning. According to the records of Dr. Anacker, Flannel was given an amoxicillin injection because of his positive Lyme status. However, despite Flannel's diabetic diagnosis, insulin therapy was not initiated by Dr. Anacker. Flannel was found dead upon the arrival of the hospital staff on Friday morning, June 1, 2001.

In correspondence dated December 20, 2001, Dr. Anacker provided the Board with a written response to the Bauers' complaint. He denied any wrongdoing in connection with this matter and asserted that at all times he had adhered to the appropriate standard of care. Dr. Anacker maintained that the complainants did not provide him with a complete history. Rather, the doctor contended that the Bauers complained that Flannel was lethargic for four (4) days, vomited once and would eat other food rather than his diet food.

Dr. Anacker further maintained that he did not misdiagnose Flannel's condition since diabetes was on his differential list of possibilities. He opined that he did not suspect ketoacidosis during his initial examination because the dog did not have a history or any physical findings that suggested this condition. Moreover, the doctor asserted that he never initiated insulin therapy because Flannel was not showing any sign of crisis.

The Board, following its review of the entire record including the testimony of Dr. Anacker, who was accompanied by counsel at the investigative inquiry of June 26, 2002, has concluded that Dr. Anacker engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person, in violation of N.J.S.A. 45:1-21(c), in that he failed to initiate treatment for Flannel's diabetic condition. Rather, the Board finds that, despite receiving test results that indicated that Flannel's glucose level was extremely elevated, Dr. Anacker delayed treatment of the dog's diabetic condition for an unreasonable time period and, hence, failed to promptly initiate treatment for Flannel. Moreover, the Board further finds that Dr. Anacker was not aggressive in his care and treatment of Flannel. The Board further concludes that all of the facts, taken together, indicate that Dr. Anacker engaged in gross negligence in his treatment of

Flannel which led to the dog's death. These facts establish a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS, THEREFORE, ON THIS *10th* DAY OF NOVEMBER 2002,
ORDERED THAT:

1. The respondent Michael J. Anacker, D.V.M., is hereby formally reprimanded, pursuant to N.J.S.A. 45:1-22(a), for engaging in gross negligence in his treatment of Flannel and for his delay in the treatment of the dog despite his receipt of information that indicated that Flannel's glucose level was extremely elevated.

2. Dr. Anacker shall cease and desist from further violations of N.J.S.A. 45:1-21(d).

3. The respondent shall pay a civil penalty, totaling \$1,000.00 for engaging in gross negligence contrary to the mandates of N.J.S.A. 45:1-21(c). Payment for the civil penalty shall be submitted no later than fifteen (15) days from the entry of this Consent Order, by certified check or money order made payable to the State Board of Veterinary Medical Examiners, and shall be forwarded to Leslie Aronson, Executive Director of the Board, 124

Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject the respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. The respondent is hereby assessed costs in the amount of **\$175.00** incurred by the Board in this matter. Payment for the costs shall also be submitted no later than fifteen (15) days from the entry of this Consent Order, by certified check or money order made payable to the State Board of Veterinary Medical Examiners, and shall be forwarded to Leslie Aronson, Executive Director of the Board at the address provided in paragraph 1 above.

4. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Neal Beeber, DVM, DABVP
NEAL BEEBER, D.V.M.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Michael J. Anacker
MICHAEL J. ANACKER, D.V.M.

DATED:

Peter A. Greene
PETER A. GREENE, ESQUIRE
Attorney for Michael J. Anacker, D.V.M.

DATED: 11/18/02